



General Assembly

February Session, 2008

**Amendment**

LCO No. 5597

**\*HB0564005597HDO\***

Offered by:  
REP. MCCLUSKEY, 20<sup>th</sup> Dist.

To: Subst. House Bill No. 5640

File No. 341

Cal. No. 207

**"AN ACT CONCERNING ZONING ENFORCEMENT."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 8-273a of the 2008 supplement to the general  
4 statutes is repealed and the following is substituted in lieu thereof  
5 (*Effective from passage*)

6 (a) Notwithstanding any other provisions of the general statutes to  
7 the contrary, whenever the Commissioner of Transportation  
8 undertakes the acquisition of real property on a state or federally-  
9 funded project which results in any person being displaced from his  
10 home, business, or farm, the Commissioner of Transportation is hereby  
11 authorized to provide relocation assistance and to make relocation  
12 payments to such displaced persons and to do such other acts and  
13 follow procedures and practices as may be necessary to comply with  
14 or to provide the same relocation assistance and relocation payments  
15 as provided under the federal Uniform Relocation Assistance and Real

16 Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any  
17 subsequent amendments thereto and regulations promulgated  
18 thereunder.

19 (b) (1) Whenever the Commissioner of Transportation acquires an  
20 outdoor advertising structure, the amount of compensation to the  
21 owner of the outdoor advertising structure shall include either (A)  
22 payment for relocation costs incurred by such owner, or (B) the  
23 amount determined in accordance with subdivision (2) or (3) of this  
24 subsection. For purposes of this section, the fair market value of the  
25 outdoor advertising structure shall be determined by the income  
26 capitalization method.

27 (2) If the owner (A) is able to obtain, within one year of acquisition  
28 by the commissioner or any additional period to which the owner and  
29 the commissioner both consent, all state and local permits necessary  
30 for relocation of the outdoor advertising structure to another site in the  
31 Standard Metropolitan Statistical Area, as designated in the federal  
32 census, in which the outdoor advertising structure is located, and (B)  
33 such site was not previously offered for sale or lease to the owner of  
34 the outdoor advertising structure, then the commissioner shall pay to  
35 the owner the replacement cost of the outdoor advertising structure,  
36 plus the fair market value of such outdoor advertising structure less  
37 the fair market value of the outdoor advertising structure at the new  
38 site.

39 (3) If the owner (A) is unable to obtain, within one year of  
40 acquisition by the commissioner or any additional period to which the  
41 owner and the commissioner both consent, all state and local permits  
42 necessary for relocation to another site in the same Standard  
43 Metropolitan Statistical Area, as designated in the federal census in  
44 which the outdoor advertising structure is located, or (B) such site was  
45 previously offered for sale or lease to the owner of the outdoor  
46 advertising structure, the commissioner shall pay the fair market value  
47 of the outdoor advertising structure the commissioner has acquired.  
48 The owner shall provide to the commissioner written documentation

49 sufficient to establish that all state and local necessary permits cannot  
50 be obtained for relocation within one year of acquisition or any  
51 additional period to which the owner and the commissioner both  
52 consent or that the only available relocation sites have been previously  
53 offered for sale or lease to the owner.

54 (4) The owner of the outdoor advertising structure, not more than  
55 thirty days after receipt of a request from the commissioner, shall  
56 submit to the commissioner the following: (A) Income and expense  
57 information for the location of the outdoor advertising structure for the  
58 previous five years, including, but not limited to, information on (i)  
59 fixed charges, including, but not limited to, property taxes and  
60 insurance, and (ii) variable expenses, including, but not limited to,  
61 utilities, management fees, annual repairs and maintenance costs; (B)  
62 tax documents and other income information, including, but not  
63 limited to, capital recovery charges and accounting depreciation  
64 deductions, debt service data, and other known business expenses  
65 associated with the outdoor advertising structure; (C) ground lease  
66 rental documents which shall be certified by an officer of the entity  
67 that owns the outdoor advertising structure; and (D) formulas used by  
68 the owner to determine the value of a specific location of an outdoor  
69 advertising structure. Information submitted under this subdivision  
70 shall be for a specific outdoor advertising structure and location and  
71 shall not be aggregated for multiple outdoor advertising structures. All  
72 information submitted shall be certified by an officer of the entity that  
73 owns the outdoor advertising structure or by a certified public  
74 accountant.

75 [(4)] (5) Any person aggrieved by determination of the amount of  
76 compensation paid under this subsection may appeal to the State  
77 Properties Review Board.

78 [(5)] (6) The provisions of this subsection shall not be construed to  
79 authorize any action that is found to violate the provisions of 23 USC  
80 131 or 23 CFR 750 or the terms of an agreement entered into by the  
81 Commissioner of Transportation with the Secretary of Commerce

82 pursuant to subsection (b) of section 13a-123."